



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/687,366

10/15/2003

Anne Marie Razza

ORB-7

9270

26689

7590

06/25/2008

WILDMAN HARROLD ALLEN & DIXON LLP
225 WEST WACKER DRIVE, SUITE 2800
CHICAGO, IL 60606

EXAMINER

JOSEPH, TONYA S

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

06/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/687,366	Applicant(s) RAZZA ET AL.	
	Examiner TONYA JOSEPH	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 21-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 29-30 and 32-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Status of Claims

Claims 1-20 and 29-33 have been previously examined. Claims 1, 13 and 29-30. No claims have been added. Claim 31 has been cancelled. Thus claims 1-20, 29-30 and 32-33 are again presented for Examination.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/20/2008 has been entered.

Response to Arguments

Applicant's arguments filed 03/20/2008 have been fully considered but they are not persuasive.

1. Applicant argues with respect to claims 1, 13 and 29 that Daughtrey does not teach simultaneously providing a plurality of flexible date options. Examiner disagrees. Applicant's newly amendment claim limitation recites, "...the plurality of flexible date search options comprising: an option to enter a departure date...and a flexible time interval corresponding to at least on of the departure date..." Daughtrey plainly teaches simultaneously displaying an option to enter a departure date and a flexible time interval corresponding to at least on of the departure date (see Fig. 2). The field denoted **42**

displays the length of stay options and to the left of the words "**length of your stay?**" is the word "**Return**". Daughtrey para. 31 explains this field as, "Accordingly, the graphical user interface 40 pane **41e** for providing flexible-date queries includes a field **42** where users specify the approximate **duration of the trip**. Users may optionally enter an **outbound date range**". Thusly, Daughtrey teaches the plurality of flexible date search options comprising: an option to enter a departure date and a flexible time interval corresponding to at least one of the departure date.

2. Applicant further argues that Daughtrey doesn't teach requesting travel date information from the user based on the search option selection. Examiner disagrees. Daughtrey describes subsequent to a user submitting an initial query, the user can augment the query again by either requesting additional solutions for a date that has already been considered or by asking the system to extend the permissible date range to new dates (see para. 37). This feature in combination with the initial query would be equivalent to receiving a search option selection from the user and requesting travel date information from the user based on the search option selection.

3. Applicant asserts with respect to claim 30 that Daughtrey does not teach "receiving travel date information from the user, the travel date information comprising a trip date range, the trip date range comprising a user specified earliest departure date and a user specified latest return date and a trip length". Examiner disagrees. Daughtrey Fig. 2 teaches a trip date range, the range being October 10 to October 17. October 17 being derived from the interval of about 1 week and both the inputs are

user-specified. Furthermore, Daughtrey teaches, although not shown, the GUI can also include a field for entering an earliest and latest departure date (see para. 31).

4. Claims 7-8 and 17-18 are not allowable *at least* for the reasons described above.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-20, 30 and 32-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

7. Claims 1-20, 30 and 32-33 are directed to a "method" and therefore are considered process claims for the purposes of § 101. To qualify as statutory subject matter, a claimed process should either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). Thus, to qualify as patent eligible, these processes must positively recite the other statutory class to which it is tied (e.g., by identifying the apparatus the accomplishes the method steps), or positively recite the subject matter that is being transformed (e.g., by identifying the product or material that is changed to a different state). Claims 1-20, 30 and 32-33 identify neither the apparatus performing the recited steps nor any transformation of underlying materials, and accordingly are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-6, 9-16, 19-20, 29-30 and 32-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Daughtrey et al. US Pre Grant Publication No. 2004/0078252 A1.

10. As per Claims 1 and 29, Daughtrey teaches simultaneously providing a plurality of flexible date search options to a user (see Fig. 2 and para. 31); the plurality of flexible date search options comprising an option to enter a departure date, a return date, and a flexible time interval corresponding to at least one of the departure date and the return date (see Fig. 2);
receiving a search option selection from the user (see Fig. 2 and para. 32 lines 11-13);
requesting travel date information from the user based on the search option selection;
receiving the travel date information from the user (see para. 37);
determining all pairs of departure dates and return dates that satisfy the flexible travel requirements travel date information (see para. 34 lines 3-5; Fig. 2 and para. 35 lines 1-3); and identifying and displaying fares for itineraries corresponding to each of the departure date and return date pairs (see para. 46; para. 45 lines 1-5 and Figs. 4 & 5) ***and search means for identifying itineraries corresponding to said date pairs*** (see para. 35 lines 1-10).

Daugherty's embodiment does not explicitly teach the plurality of date search options comprise a return date. Daugherty's prior art example, however, describes a user inputting a possible return date (see para. 25). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the embodiment of Daughtrey to include a return date to return large query results.

11. As per Claim 2, Daughtrey teaches the method of claim 1 as described above. Daughtrey further teaches wherein the itineraries are air travel itineraries (see para. 22 lines 3-6).

12. As per Claim 3, Daughtrey teaches the method of claim 1 as described above. Daughtrey further teaches wherein travel date information comprises a date interval during which a weekend trip is desired (see para. 33 lines 1-7).

13. As per Claim 4, Daughtrey teaches the method of claim 3 as described above. Daughtrey further teaches wherein a weekend trip is defined as a Thursday, Friday or Saturday departure and a Sunday, Monday or Tuesday return (see para. 33 lines 2-5, Examiner interpreting a Friday or Saturday departure with a stay of 1 or 2 nights as having a Sunday, Monday or Tuesday return).

14. As per Claim 5, Daughtrey teaches the method of claim 4 as described above. Daughtrey further teaches wherein the step of determining all pairs of departure dates and return dates comprises identifying all weekends that occur during the date interval, and pairing each possible departure date associated with each possible return date for the corresponding weekend for each weekend that occurs within the date interval (see para. 37 lines 1-4; para. 46 and Fig. 4).

15. As per Claim 6, Daughtrey teaches the method of claim 5 as described above. Daughtrey further teaches wherein the date interval comprises a calendar month (see Fig. 4 and para. 33 lines 10-18).

16. As per Claim 9, Daughtrey teaches the method of claim 1 as described above. Daughtrey further teaches wherein travel date information comprises receiving a trip date interval and a trip length (see para. 25 lines 1-5; para. 31 lines 5-15 and Fig. 2).

17. As per Claim 10, Daughtrey teaches the method of claim 9 as described above. Daughtrey further teaches wherein said trip date interval comprises an earliest departure date and a latest return date (see para. 25 lines 1-5).

18. As per Claim 11, Daughtrey teaches the method of claim 9 as described above. Daughtrey further teaches wherein said trip length is expressed as a numerical value or a numerical range setting forth the desired length of the trip in days (see para. 33 lines 2-5 and 12-18 and Fig. 2).

19. As per Claim 12, Daughtrey teaches the method of claim 9 as described above. Daughtrey further teaches determining all possible departure dates and all possible return dates within the trip date interval that encompasses a trip of the received trip length and pairing each possible departure date with each possible return date (see para. 35 lines 1-16 and para. 36).

20. As per Claim 13, Daughtrey teaches simultaneously providing a plurality of flexible date search options to a user (see Fig. 2 and para. 31); the plurality of flexible date search options comprising an option to enter a departure date, a return date, and a

flexible time interval corresponding to at least one of the departure date and the return date (see Fig. 2);

receiving a search option selection from the user (see Fig. 2 and para. 32 lines 11-13);

requesting travel date information from the user based on the search option selection;

receiving the travel date information from the user (see para. 37);

identifying one or more departure dates and one or more return dates based on the travel date information (see para. 37-38), where at least one of said one or more

departure date and said one or more return dates comprises more than one date (see para. 25; para. 30 and Fig. 2); identifying a plurality of date pairs each date pair

comprising one of said one or more departure dates and one of said one or more return dates (see para. 34 lines 3-5; Fig. 2 and para. 35 lines 1-3); searching for fares for

itineraries corresponding to each date pair; and displaying said fares (see para. 35 lines 3-10; para. 46; para. 47 lines 1-5 and Figs. 4 & 5). Daugherty's embodiment does not

explicitly teach the plurality of date search options comprise a return date. Daugherty's example describes a user inputting a possible return date (see para. 25). It would have

been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the embodiment of Daughtrey to include a return date to return large query

results.

21. As per Claim 14, Daughtrey teaches the method of claim 13 as described above.

Daughtrey further teaches wherein the step of identifying one or more departure dates and one or more return dates further comprises identifying every weekend within a

defined date range, and identifying at least one departure date and at least one return

date for each weekend (see para. 35 lines 7-10; para. 37 lines 1-6; para. 46 and Figs. 4 & 5).

22. As per Claim 15, Daughtrey teaches the method of claim 14 as described above. Daughtrey further teaches identifying at least one departure date corresponding to at least one of Thursday, Friday and Saturday of each weekend within said defined date range and identifying at least one return date corresponding to at least one of Sunday, Monday and Tuesday for each weekend within said defined date range (see para. 33 lines 2-5, Examiner interpreting a Friday or Saturday departure with a stay of 1 or 2 nights as having a Sunday, Monday or Tuesday return).

23. As per Claim 16, Daughtrey teaches the method of claim 14 as described above. Daughtrey further teaches wherein said defined date range is a calendar month (see para. 33 lines 12-18 and para. 34 lines 3-5).

24. As per Claim 19, Daughtrey teaches the method of claim 13 as described above. Daughtrey further teaches wherein the step of identifying one or more departure dates and one or more return dates includes receiving a date range for a trip and receiving a specified trip length (see para. 25 lines 2-5; para. 31 lines 5-15 and Fig. 2), wherein the one or more departure dates are identified as every departure date within said date range which can accommodate a trip of the specified trip length within said date range (see para. 25 lines 2-5 and para. 31 lines 5-12).

25. As per Claim 20, Daughtrey teaches the method of claim 13 as described above. Daughtrey further teaches receiving a date range and receiving a specified trip length (see para. 25 lines 2-5; para. 31 lines 5-15 and Fig. 2), wherein the one or more return

dates are identified as every return date within said date range which can accommodate a trip of the specified trip length within said date range (see para. 25 lines 2-5 and Figs. 4 & 5).

26. As per Claim 30, Daughtrey teaches receiving travel date information from the user (see para. 22 and para. 24); the travel date information comprising a trip date range (see Fig. 2, Examiner is interpreting October 10-Oct 17 as a range), the trip date range comprising a user specified earliest departure date and a user specified latest return date (see para. 31 and Fig. 2), and a trip length (see Fig. 2); determining all pairs of departure dates and return dates that satisfy the travel date information (see para. 25 and para. 35); and identifying and displaying fares for itineraries corresponding to each of the departure date and return date pairs (see para. 35 and 37).

27. As per Claim 32, Daughtrey teaches the method of claim 30 as described above. Daughtrey further teaches wherein said trip length is expressed as a numerical value or a numerical range setting forth the desired length of the trip in days (see Fig. 2)

28. As per Claim 33, Daughtrey teaches the method of claim 30 as described above. Daughtrey further teaches determining all possible departure dates and all possible return dates within the trip date range that encompass a trip of the received trip length;

29. Claims 7-8 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daughtrey et al. US Pre-Grant Publication No. 2004/0078252 A1 in view of Keller et al. U.S. Patent No. 6,304,850 B1.

30. As per Claim 7, Daughtrey teaches the method of claim 1 as described above. Daughtrey further teaches, receiving a desired departure date, a desired return date

(see para. 25 lines 2-5 and Fig. 2); Daughtrey does not explicitly teach and at least one of a specified number of days preceding said desired departure date, a specified number of days following said departure date; a specified number of days preceding said desired return date, and a specified number of days following said desired return date. Keller teaches, at step 105, the user may indicate whether her travel plans are flexible, such that the user may depart or return from one to three days before or after the entered travel dates. If the user's plans are flexible, the user will indicate whether the flexibility is respect to the date of departure or date of return, and will indicate the number of days either before or after the inputted date of travel. (see Col. 3 lines 21-30). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Daughtrey to include receiving at least one of a specified number of days preceding said desired departure date, a specified number of days following said departure date; a specified number of days preceding said desired return date, and a specified number of days following said desired return date in order to allow a user to enter the level of flexibility in their plans, as taught in Keller Col. 3 lines 1-3.

31. As per Claim 8, Daughtrey teaches the method of claim 1 as described above. Daughtrey further teaches wherein the step of determining all pairs of departure and return dates satisfying said flexible travel requirements comprises identifying all possible departure dates based on the desired departure date and the specified number of acceptable days preceding the desired departure date and the number of acceptable travel days following said desired departure date; identifying all possible return dates

based on the desired return date and the specified number of acceptable travel days preceding the desired return date and the number of acceptable travel days following the desired return date; and pairing each possible departure date with each possible return date. Keller teaches, at step 105, the user may indicate whether her travel plans are flexible, such that the user may depart or return from one to three days before or after the entered travel dates. If the user's plans are flexible, the user will indicate whether the flexibility is respect to the date of departure or date of return, and will indicate the number of days either before or after the inputted date of travel. If the user is not flexible, the user will enter "not flexible" in the appropriate line on the web page. and at step 107, the user requests the booking server to initiate a search for a flight meeting the entered information, which is at or below the user's indicated target price (see Col. 3 lines 21-30 and 32-35). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Daughtrey to include the method of Keller in order to allow a user to book a flight based on their specified preferences, as taught in Keller Col. 3 lines 39-42 and 48-53).

32. As per Claim 17, Daughtrey teaches the method of claim 13 as described above. Daughtrey does not explicitly teach wherein the step of identifying one or more departure dates and one or more return dates includes receiving a specified departure date and a range of days preceding and/or following said specified departure date. Keller teaches, at step 105, the user may indicate whether her travel plans are flexible, such that the user may depart or return from one to three days before or after the entered travel dates. If the user's plans are flexible, the user will indicate whether the

flexibility is respect to the date of departure or date of return, and will indicate the number of days either before or after the inputted date of travel. If the user is not flexible, the user will enter "not flexible" in the appropriate line on the web page (see Col. 3 lines 21-30). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Daughtrey to include wherein the step of identifying one or more departure dates and one or more return dates includes receiving a specified departure date and a range of days preceding and/or following said specified departure date in order to allow a user to enter the level of flexibility in their plans, as taught in Keller Col. 3 lines 1-3).

33. As per Claim 18, Daughtrey teaches the method of claim 13 as described above. Daughtrey does not explicitly teach wherein the step of identifying one or more departure dates and one or more return dates includes receiving a specified return date and a range of days preceding and/or following said specified return date. Keller teaches, at step 105, the user may indicate whether her travel plans are flexible, such that the user may depart or return from one to three days before or after the entered travel dates. If the user's plans are flexible, the user will indicate whether the flexibility is respect to the date of departure or date of return, and will indicate the number of days either before or after the inputted date of travel. If the user is not flexible, the user will enter "not flexible" in the appropriate line on the web page (see Col. 3 lines 21-30). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Daughtrey to include wherein the step of identifying one or more departure dates and one or more return dates includes receiving a

Art Unit: 3628

specified departure date and a range of days preceding and/or following said specified departure date in order to allow a user to enter the level of flexibility in their plans, as taught in Keller Col. 3 lines 1-3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TONYA JOSEPH whose telephone number is (571)270-1361. The examiner can normally be reached on Mon-Fri 7:30am-5:00pm First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571 272 0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tonya Joseph
Examiner
Art Unit 3628

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628